

BEFORE THE
POSTAL REGULATORY COMMISSION
WASHINGTON, D.C. 20268-0001

In the Matter of:
Breaks Post Office
Breaks, Virginia

Docket No. A2011-88

UNITED STATES POSTAL SERVICE
COMMENTS REGARDING APPEAL
(November 17, 2011)

On September 20, 2011, the Postal Regulatory Commission (Commission) received an appeal (the Petition) postmarked September 13, 2011, from postal customer Keith Mullins, objecting to the discontinuance of the Post Office at Breaks, Virginia. On September 28, 2011, the Commission issued Order No. 880, its Notice and Order Accepting Appeal and Establishing Procedural Schedule under 39 U.S.C. § 404(d). The Postal Service subsequently received petitions from postal customer Wayne Cline, Jr. on September 28, 2011, and from postal customer James L. Childress on October 4, 2011.¹ Each of the three Petitioners subsequently filed a participant statement on Form 61. In accordance with Order No. 880, the administrative record was filed with the Commission on October 11, 2011.

The Petitioners raise a number of issues that go to the adequacy of the alternative means through which the Breaks community will continue to receive postal services. They also discuss the impact of the discontinuance on the Breaks community. As reflected in the administrative record of this proceeding, the Postal Service gave serious consideration to these issues. In addition, consistent with the Postal Service's

¹ The three petitioners are referred to collectively as the "Petitioners."

statutory obligations and Commission precedent,² the Postal Service gave consideration to a number of other issues, including the impact upon postal employees. Accordingly, the determination to discontinue the Breaks Post Office should be affirmed.

Background

The Final Determination to Close the Breaks, VA Post Office and Establish Service by Community Post Office, as well as the administrative record, indicate that the Breaks Post Office provides EAS-11 level service to 208 Post Office Box and general delivery customers; retail service is available 40 hours per week. FD at 2. The postmaster of the Breaks Post Office retired on November 21, 2009, leaving a vacancy. A noncareer employee was installed as the temporary officer-in-charge (OIC).

The average number of daily retail window transactions at the Breaks Post Office is seventeen, which accounts for an average daily retail workload of sixteen minutes. Revenue has generally been low: \$25,975 in FY 2008; \$21,464 in FY 2009; and \$16,221 in FY 2010. FD at 2. The Breaks Post Office has no meter or permit customers. FD at 2.

Upon implementation of the final determination, the noncareer OIC will be reassigned to another location or separated from the Postal Service, and delivery and retail services will be provided by the Maxie Post Office, an EAS-13 level office located eight miles away, and by rural route service administered through the Maxie Post Office. FD at 2, 10.

² See 39 U.S.C. 404(d)(2)(A).

The Postal Service followed the proper procedures which led to the posting of the FD. All issues raised by the customers of the Breaks Post Office were considered and properly addressed by the Postal Service. The Postal Service complied with all notice requirements. In addition to the posting of the Proposal and FD, customers received notice through other means. Questionnaires were distributed to delivery customers of the Breaks Post Office; questionnaires were also available over the counter for retail customers at the Breaks Post Office. FD at 2. The returned customer questionnaires and Postal Service response letters appear in the administrative record in Item No. 22. In addition, representatives from the Postal Service were available at Breaks Community Center for a community meeting on April 6, 2011. FD at 2. Customers received formal notice of the proposal and final determination through postings at nearby facilities. The Proposal was posted with an invitation for public comment at the Breaks Post Office and the Maxie Post Office from June 1, 2011 to August 2, 2011. FD at 2. The FD was posted at the same two Post Offices from September 2, 2011 to October 4, 2011.

In light of the postmaster vacancy, a minimal workload, low office revenue, and the availability of rural delivery and retail service, the Postal Service issued the FD. Regular and effective postal services will continue to be provided to the Breaks community in a cost-effective manner upon implementation of the final determination. FD at 2, 10.

Each of the issues raised by the Petitioners is addressed in the paragraphs that follow.

Issues Raised by Petitioners

The Petitioners raise a number of issues that go to the adequacy of the alternative means through which the Breaks community will continue to receive postal services. They state that the Maxie Post Office is farther than noted in the Final Determination and that it would be difficult for many customers to travel there. As stated in the Final Determination, the Maxie Post Office is located approximately eight miles from the Breaks Post Office. Of course, for some customers, the distance from their homes to the Maxie Post Office is greater than eight miles, while for other customers, the distance may well be shorter. For customers who find it difficult to travel to the Maxie Post Office, carrier service will service as an adequate alternative. The carrier will make delivery to a roadside mailbox close to customers' residences. Most transactions do not require meeting the carrier at the mailbox; for example, Stamps by Mail and Money Order Application forms are available. The carrier will be able to accept any letters or packages for mailing; the carrier will estimate the cost and provide a receipt for any money received, and on the following delivery day, the carrier will provide change or a bill for the amount over the estimate.

The Petitioners also state that, for some senior and handicapped customers, it would be a hardship to walk to their mailbox each day. In hardship cases, the Postal Service can make delivery to the home of a customer. In addition, it is unclear how customers with such hardships would be able to reach the Breaks Post Office. The Petitioners state that installing and maintaining a mailbox represents an added cost for customers. It is true that carrier delivery necessarily involves the installation and

maintenance of a mailbox; but these are not unreasonable costs, as customers across the country – across rural, urban, and suburban settings – are able to install and maintain mailboxes for carrier delivery. The Petitioners state that they have concerns regarding the security of their mailboxes. Customers may install locks on their mailboxes. The mailbox must have a slot large enough to accommodate the customer's normal daily mail volume.

The Petitioners also raise the issue of how the closure of the Breaks Post Office will affect the Breaks community identity. The Postal Service has stated that community identity derives from vitality of residents and use of the community name. The Petitioners disagree, stating that community identity also derives from “the public facilities and infrastructure that connect and serve residents.” While it is true that community identity can be affected by a number of factors, the Petitioners' submissions show that the identity of the Breaks community revolves far more significantly on the Breaks Interstate Park and on Breaks's place on the Coal Heritage Trail than it does on the Breaks Post Office.

Conclusion

As reflected throughout the administrative record, the Postal Service has followed the proper procedures and carefully considered the effect of closing the Breaks Post Office on the provision of postal services and on the Breaks community, as well as the economic savings that would result from the proposed closing, the effect on postal employees, and other factors, consistent with the mandate of 39 U.S.C. § 404(d)(2)(A).

After taking all factors into consideration, the Postal Service determined that the advantages of discontinuance outweigh the disadvantages. In addition, the Postal Service concluded that, after the discontinuance, the Postal Service will continue to provide effective and regular service to Breaks customers. FD at 10. The Postal Service respectfully submits that this conclusion is consistent with and supported by the administrative record and is in accord with the policies stated in 39 U.S.C. § 404(d)(2)(A). The Postal Service's decision to close the Breaks Post Office should, accordingly, be affirmed.

The Postal Service respectfully requests that the determination to close the Breaks Post Office be affirmed.

Respectfully submitted,

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November 17, 2011